

REMARKS

I. Status of Claims.

This application has been reviewed in light of the Office Action dated February 27, 2006. Claims 1-26 are presently pending. Claims have been amended in a manner that is believed to overcome rejections contained in the pending Office Action. No new matter or issues are believed to be introduced by this amendment. Support for the amendments are found throughout the specification, drawings and originally filed claims.

II. Claim Objections.

Claims 9, 17-18 and 20 were objected to because of claim informalities. Applicant has amended these claims as suggested by the Examiner. Applicant thanks the Examiner for these suggested amendments.

III. Claims 1-3 rejected under 35 USC 103(a).

The Examiner rejected claims 1-3 under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 5,679,257 to Coate et al. (Coate). Applicant respectfully traverses this rejection

A. Examiner's Rejection: The Examiner stated that Coate discloses a method for disinfecting bodies of wastewater that includes controlling the pH level of the aqueous system to a specific value then adding the disinfectant to the system. The Examiner further stated that "[t]he Coates reference recognizes the relationship between the proper pH value and the optimum removal of contaminants in wastewater."

B. Teachings of Reference: Coate teaches a waste water treatment system that can be configured to be portable and which minimizes the addition of solids to be disposed of through the use of ozone for contaminant reduction to basic elements after the pH value of the waste water to be treated is properly adjusted. The patent to Coate, however, teaches a method of contaminate removal without the addition of chemicals other than acid or base to promote flocculation in the waste water.

C. Claimed Invention: The instant claimed invention discloses a method for improving the effectiveness of a disinfection agent added to an aqueous medium used in the processing of foodstuffs.

D. Deficiencies of Reference: Coate teaches a method of contaminate removal without the addition of chemicals other than acid or base to promote flocculation in the

waste water. It does not suggest optimizing the effectiveness of disinfection by pH adjustment as the Applicant has disclosed and claimed. Applicant respectfully requests that this rejection be withdrawn.

IV. Claims 4 is rejected under 35 USC 103(a).

The Examiner rejected claim 4 under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 5,679,257 to Coate et al. (Coate), in further view of U.S. Patent No. 5,053,140 to Hurst (Hurst). Applicant respectfully traverses this rejection

A. Examiner's Rejection: The Examiner stated that Coated fails to disclose a method for disinfecting bodies of wastewater that includes adding chlorine to such water. The Examiner stated, however, it would have been obvious to one skilled in the art to modify Coate by adding chlorine as taught by the Hurst reference.

B. Teachings of References: Coate teaches a waste water treatment system that can be configured to be portable and which minimizes the addition of solids to be disposed of through the use of ozone for contaminant reduction to basic elements after the pH value of the waste water to be treated is properly adjusted. However, Coate teaches a method of contaminate removal without the addition of chemicals other than acid or base to promote flocculation in the waste water. Hurst teaches a method of treating treated waste water with chlorine. Neither Hurst or Coate alone or in combination suggest adjusting the pH of wastewater to improve the effectiveness of a disinfectant.

C. Claimed Invention: The instant claimed invention discloses a method for improving the effectiveness of a disinfection agent added to an aqueous medium used in the processing of foodstuffs by controlling the pH.

D. Deficiencies of Reference: Coate teaches a method of contaminate removal without the addition of chemicals other than acid or base to promote flocculation in the waste water. It does not suggest optimizing the effectiveness of disinfection by pH adjustment as the Applicant has disclosed and claimed.

Since the method within Applicant's claimed invention is not found anywhere within the art, it appears that in creating his obviousness rejection that the Examiner gleaned knowledge from the Applicants disclosure contrary to the holding of *In re*

McLaughlin. Applicant respectfully requests that the rejected claims be reconsidered in light of well-established legal principles, which provide,

"That one skilled in the art is not synonymous with obviousness.... That one can reconstruct and/or explain the theoretical mechanism of an invention by means of logic and sound scientific reasoning does not afford the basis for an obviousness conclusion unless that logic and reasoning also supplies sufficient impetus to have led one of ordinary skill in the art to combine the teachings of the reference to make the claimed invention" Ex parte Levengood, 28 USPQ 2d 1300 (Bd. Pat. App. & Inter. 1993).

The particular combination of the cited references, which the Examiner makes, in hindsight with the benefit of Applicant's disclosure, in an attempt to arrive at the Applicant's invention, is neither taught nor suggested by either reference. The references, alone or in combination, because of the differences in the features of each as discussed above, do not provide "sufficient impetus" to support the combination that the Examiner makes to effect the obviousness rejection. In any event, the combination does not arrive at Applicant's invention. Applicants' claimed invention is patentably distinct from that of Hurst or Coate as neither Hurst or Coate suggest adjusting the pH of wastewater to improve the effectiveness of a disinfectant as Applicant has disclosed and claimed. Applicant respectfully requests that this rejection be withdrawn.

V. Claim 5 is rejected under 35 USC 103(a).

The Examiner rejected claim 5 under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 5,472,619 to Holzhauer et al. (Holzhauer), in further view of U.S. Patent No. 4,827,727 to Caracciolo (Caracciolo). Applicant respectfully traverses this rejection

A. Examiner's rejection. The Examiner stated that Holzhauer teaches a method for disinfecting wastewater generated by meat-packing plants that includes controlling the pH of the wastewater, however, Holzhauer fails to explicitly teach treating the chilling wastewater of a poultry plant. The Examiner further stated that Caracciolo teaches a method for sterilizing poultry with ozonated water in a chiller that includes the following; recovering a portion of the chiller water, filtering organic solids and returning the filtered water to the chiller.

B. Teachings of References: Holzhauer teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing amount of a specific composition. Flocculation is carried out using commercially available products which adjust the pH to about 8. Caracciolo teaches the sterilization of chiller water by the introduction of ozone.

C. Claimed Invention: The instant claimed invention discloses a method for improving the effectiveness of a disinfection agent added to an aqueous medium used in the processing of foodstuffs.

D. Deficiencies of Reference: Holzhauer teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing amount of a specific composition. Flocculation is carried out using commercially available product which adjust the pH to about 8. Caracciolo teaches the sterilization of chiller water by the introduction of ozone. The particular combination of the cited references, which the Examiner makes, in hindsight with the benefit of Applicant's disclosure, in an attempt to arrive at the Applicant's invention, is neither taught nor suggested by either reference. The references, alone or in combination, because of the differences in the features of each as discuss above, do not provide "sufficient impetus" to support the combination that the Examiner makes to effect the obviousness rejection. Neither Holzhauer or Caracciolo alone or in combination suggest adjusting the pH of wastewater to improve the effectiveness of a disinfectant as Applicant has disclosed and claimed. Applicant respectfully requests that this rejection be withdrawn.

VI. Claims 6-10 are rejected under 35 USC 103(a).

The Examiner rejected claims 6-10 under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 5,472,619 to Holzhauer et al. (Holzhauer), in further view of U.S. Patent No. 5,053,140 to Hurst (Hurst). Applicant respectfully traverses this rejection

A. Examiner's rejection. The Examiner stated that Holzhauer teaches a method for disinfecting wastewater generated by meat-packing plants that includes controlling the pH of the wastewater, however, Holzhauer fails to explicitly teach treating the chilling wastewater of a poultry plant. The Examiner further stated that Hurst teaches a method for disinfecting chilling water in a poultry plant and that it would have been

obvious to one having ordinary skill in the art to modify the Holzhauer reference to disinfect all wastewaters.

B. Teachings of References: Holzhauer teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing amount of a specific composition. Flocculation is carried out using commercially available product which adjust the pH to about 8. Hurst teaches a method of treating treated waste water with chlorine. Neither Holzhauer or Hurst suggest adjusting the pH of wastewater to improve the effectiveness of a disinfectant.

C. Claimed Invention: The instant claimed invention discloses a method for improving the effectiveness of a disinfection agent added to an aqueous medium used in the processing of foodstuffs.

D. Deficiencies of Reference: Holzhauer teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing amount of a specific composition. Flocculation is carried out using commercially available product which adjust the pH to about 8. Hurst teaches a method of treating treated waste water with chlorine. The particular combination of the cited references, which the Examiner makes, in hindsight with the benefit of Applicant's disclosure, in an attempt to arrive at the Applicant's invention, is neither taught nor suggested by either reference. The references, alone or in combination, because of the differences in the features of each as discuss above, do not provide "sufficient impetus" to support the combination that the Examiner makes to effect the obviousness rejection. Neither Holzhauer or Hurst alone or in combination suggest adjusting the pH of wastewater to improve the effectiveness of a disinfectant. Applicant respectfully requests that this rejection be withdrawn.

VII. Claim 11 is rejected under 35 USC 103(a).

The Examiner rejected claim 11 under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 5,472,619 to Holzhauer et al. (Holzhauer), in further view of U.S. Patent No. 5,053,140 to Hurst (Hurst) and in further view of Coate. Applicant respectfully traverses this rejection

A. Examiner's rejection. The Examiner stated that Holzhauer and Hurst teach that pH should be controlled to a certain values in order to improve the efficiency of

disinfection; however, they fail to disclose an explicit pH level between 6 and 8. The Coate reference teaches controlling the pH to a value of 6 and that the pH values depends on the type of contaminate treated. The Examiner stated that it would have been obvious to one having ordinary skill in the art to modify the method of Holzhauer by choosing a pH value between 6 and 8 since at such a range optimum removal of contaminants is achieved as taught by the Coate reference.

B. Teachings of References: Holzhauer teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing amount of a specific composition. Flocculation is carried out using commercially available product which adjust the pH to about 8. Hurst teaches a method of treating treated waste water with chlorine. Coate teaches a waste water treatment system that can be configured to be portable and which minimizes the addition of solids to be disposed of through the use of ozone for contaminant reduction to basic elements after the pH value of the waste water to be treated is properly adjusted. The patent to Coate teaches a method of contaminate removal without the addition of chemicals other than acid or base to promote flocculation in the waste water. Holzhauer, Hurst or Coate alone or in combination do not suggest adjusting the pH of wastewater between 6-8 to improve the effectiveness of a disinfectant.

C. Claimed Invention: The instant claimed invention discloses a method for improving the effectiveness of a disinfection agent added to an aqueous medium used in the processing of foodstuffs “wherein the pH level of said disinfected process water is in the range of between 6 and 8” as Applicant has disclosed and claimed.

D. Deficiencies of Reference: Holzhauer teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing amount of a specific composition. Flocculation is carried out using commercially available product which adjust the pH to about 8. Hurst teaches a method of treating treated waste water with chlorine. Coate teaches a method of contaminate removal without the addition of chemicals. The particular combination of the cited references, which the Examiner makes, in hindsight with the benefit of Applicant’s disclosure, in an attempt to arrive at the Applicant’s invention, is neither taught nor suggested by the references. The references, alone or in combination, because of the

differences in the features of each as discuss above, do not provide “sufficient impetus” to support the combination that the Examiner makes to effect the obviousness rejection Holzhauser, Hurst or Coate alone or in combination do not suggest adjusting the pH of wastewater to improve the effectiveness of a disinfectant “wherein the pH level of said disinfected process water is in the range of between 6 and 8,” as Applicant has disclosed and claimed. Applicant respectfully requests that this rejection be withdrawn.

VIII. Claim 13 is rejected under 35 USC 103(a).

The Examiner rejected claim 13 under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 4,827,727 to Caracciolo (Caracciolo), in further view of U.S. Patent No. 5,514,282 to Hibbard et al. (Hibbard). Applicant respectfully traverses this rejection

A. Examiner’s rejection. The Examiner stated Caracciolo teaches a method for sterilizing poultry with ozonated water in a chiller that includes the following; recovering apportion of the chiller water, filtering organic solids and returning the filtered water to the chiller. Caracciolo, however, fails to teach floating the recovered water in a floatation unit. The Examiner further stated that the Hibbard reference teaches the use of a floatation unit and it would have been obvious to one having ordinary skill in the art to modify the method of the Caracciolo reference by including a floatation unit as taught by the Hibbard reference.

B. Teachings of References. Caracciolo teaches the sterilization of chiller water by the introduction of ozone. Hibbard teaches a method directed to the recovery of a potentially valuable feed value or fertilizer by-product with the concomitant production of an environmentally safe discharge or reuse quality water form food plant process wastewater streams.

C. Claimed Invention: The instant claimed invention discloses a method for filtering organic solids form said recovered poultry chiller water, wherein at least a portion of said solids are the result of precipitation of soluble material through pH adjustment of said chiller water.

D. Deficiencies of Reference: Caracciolo teaches the sterilization of chiller water by the introduction of ozone. Hibbard teaches a method directed to the recovery of a potentially valuable feed value or fertilizer by-product with the concomitant production of an environmentally safe discharge or reuse quality water form food plant process

wastewater streams. The particular combination of the cited references, which the Examiner makes, in hindsight with the benefit of Applicant's disclosure, in an attempt to arrive at the Applicant's invention, is neither taught nor suggested by either reference. The references, alone or in combination, because of the differences in the features of each as discuss above, do not provide "sufficient impetus" to support the combination that the Examiner makes to effect the obviousness rejection. Neither Caracciolo or Hibbard alone or in combination suggest filtering organic solids form recovered poultry chiller water, wherein at least a portion of said solids are the result of precipitation of soluble material through pH adjustment of said chiller water, as Applicant has disclosed and claimed. Applicant respectfully requests that this rejection be withdrawn.

IX. Claim 14 is rejected under 35 USC 103(a).

The Examiner rejected claim 14 under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 4,827,727 to Caracciolo (Caracciolo) and in further view of U.S. Patent No. 5,472,619 to Holzhauer et al. (Holzhauer), in further view of U.S. Patent No. 5,053,140 to Hurst (Hurst). Applicant respectfully traverses this rejection

A. Examiner's rejection. The Examiner stated that Caracciolo teaches adding a disinfectant to the chiller water, but fails to teach controlling the pH level. The Examiner further stated that Holzhauer teaches a method for disinfecting wastewater generated by meat-packing plants that includes controlling the pH of the wastewater. The Examiner further stated that Hurst teaches monitoring the addition and concentration of ozone added into the wastewater and that it would have been obvious to one having ordinary skill in the art to modify Caracciolo by including a disinfectant monitoring step as taught by Hurst.

B. Teachings of References: Caracciolo teaches the sterilization of chiller water by the introduction of ozone. Holzhauer teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing amount of a specific composition. Flocculation is carried out using commercially available products which adjust the pH to about 8. Hurst teaches a method of treating treated waster water with chlorine. Caracciolo, Holzhauer or Hurst alone or in combination do not suggest adjusting the pH of wastewater to improve the effectiveness of a disinfectant.

C. Claimed Invention: The instant claimed invention discloses a method for treatment of chiller water by adding a disinfectant to the chiller water used in the chilling process with a controlled pH level and monitoring and regulating said steps of adding a disinfectant and controlling the pH level of the chiller water.

D. Deficiencies of Reference: Caracciolo teaches the sterilization of chiller water by the introduction of ozone. Holzhauser teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing amount of a specific composition. Flocculation is carried out using commercially available product which adjust the pH to about 8. Hurst teaches a method of treating treated waste water with chlorine. The particular combination of the cited references, which the Examiner makes, in hindsight with the benefit of Applicant's disclosure, in an attempt to arrive at the Applicant's invention, is neither taught nor suggested by the references. The references, alone or in combination, because of the differences in the features of each as discuss above, do not provide "sufficient impetus" to support the combination that the Examiner makes to effect the obviousness rejection. Neither Caracciolo, Holzhauser or Hurst alone or in combination suggest treatment of chiller water by adding a disinfectant to the chiller water used in the chilling process with a controlled pH level and monitoring and "regulating said steps of adding a disinfectant and controlling the pH level of the chiller water," as Applicant has disclosed and claimed. Applicant respectfully requests that this rejection be withdrawn.

X. Claim 15 is rejected under 35 USC 103(a).

The Examiner rejected claim 15 under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 4,827,727 to Caracciolo (Caracciolo) and in further view of U.S. Patent No. 5,472,619 to Holzhauser et al. (Holzhauser), in further view of U.S. Patent No. 5,679,257 to Coate (Coate). Applicant respectfully traverses this rejection

A. Examiner's rejection. The Examiner stated that Caracciolo teaches adding a disinfectant to the chiller water, but fails to teach controlling the pH level. The Examiner further stated that Holzhauser teaches a method for disinfecting wastewater generated by controlling the pH of the wastewater. The Examiner further stated that Coate teaches controlling the pH to a value of 6. The Examiner stated that based upon these combined teachings, it would have been obvious to modify the method of Caracciolo by choosing a

pH value between 6 and 8 since at such a range optimum removal of contaminants is achieved as taught by the Coate reference.

B. Teachings of References: Caracciolo teaches the sterilization of chiller water by the introduction of ozone. Holzhauer teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing amount of a specific composition. Flocculation is carried out using commercially available products which adjust the pH to about 8. Coate teaches a method of contaminate removal without the addition of chemicals and controlling the pH to a value of 6. Caracciolo, Holzhauer or Coate alone or in combination do not suggest adjusting the pH of wastewater between a pH of 6-8 to improve the effectiveness of a disinfectant.

C. Claimed Invention: The instant claimed invention discloses a method for treatment of chiller water by adding a disinfectant to the chiller water used in the chilling process with a controlled pH level between 6-8 and monitoring and regulating said steps of adding a disinfectant and controlling the pH level of the chiller water.

D. Deficiencies of Reference: Caracciolo teaches the sterilization of chiller water by the introduction of ozone. Holzhauer teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing amount of a specific composition. Flocculation is carried out using commercially available product which adjust the pH to about 8. Coate teaches a method of contaminate removal without the addition of chemicals and controlling the pH to a value of 6. The particular combination of the cited references, which the Examiner makes, in hindsight with the benefit of Applicant's disclosure, in an attempt to arrive at the Applicant's invention, is neither taught nor suggested by the references. The references, alone or in combination, because of the differences in the features of each as discuss above, do not provide "sufficient impetus" to support the combination that the Examiner makes to effect the obviousness rejection. Caracciolo, Holzhauer or Coate alone or in combination do not suggest treatment of chiller water by adding a disinfectant to the chiller water used in the chilling process with a controlled pH level between 6-8 and monitoring and "regulating said steps of adding a disinfectant and controlling the pH

level of the chiller water,” as Applicant has disclosed and claimed. Applicant respectfully requests that this rejection be withdrawn.

XI. Claims 16-17, 21 and 26 are rejected under 35 USC 103(a).

The Examiner rejected claims 16-17, 21 and 26 under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 5,472,619 to Holzhauer et al. (Holzhauer), in further view of U.S. Patent No. 5,472,619 to Mostoller (Mostoller). Applicant respectfully traverses this rejection

A. Examiner’s rejection. The Examiner stated that Holzhauer teaches a method for disinfecting wastewater generated by meat-packing plants that includes controlling the pH of the wastewater, however the Holzhauer reference fails to explicitly teach treating the chilling wastewater of a poultry plant. The Examiner further stated that Mostoller teaches that the steps of slaughtering, scalding, defeathering, eviscerating and the like and that these steps are known in the art of processing chicken. The Examiner further stated that it would have been obvious to one having ordinary skill in the art to modify the Holzhauer reference to disinfect all wastewaters generated at various processing steps in a poultry plant.

B. Teachings of References: Holzhauer teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing amount of a specific composition. Flocculation is carried out using commercially available product which adjust the pH to about 8. Mostoller teaches an apparatus having a plurality of spray nozzles to spray the exterior surface of a bird with cleaning fluid.

C. Claimed Invention: The instant claimed invention discloses a method for reducing the level of poultry contamination resulting from the processing of poultry, wherein the processing of said poultry by recovering water used during at least one of said poultry processing steps and “treating said recovered water with a disinfectant and controlling pH of said recovered water.”

D. Deficiencies of Reference: Holzhauer teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing amount of a specific composition. Flocculation is carried out using commercially available product which adjust the pH to about 8. Mostoller teaches an

apparatus having a plurality of spray nozzles to spray the exterior surface of a bird with cleaning fluid. The particular combination of the cited references, which the Examiner makes, in hindsight with the benefit of Applicant's disclosure, in an attempt to arrive at the Applicant's invention, is neither taught nor suggested by the references. The references, alone or in combination, because of the differences in the features of each as discuss above, do not provide "sufficient impetus" to support the combination that the Examiner makes to effect the obviousness rejection. Neither Holzhauer or Mostoller alone or in combination suggest adjusting the pH of wastewater to improve the effectiveness of a disinfectant as Applicant has disclosed and claimed. Applicant respectfully requests that this rejection be withdrawn.

XII. Claims 18-20 are rejected under 35 USC 103(a).

The Examiner rejected claims 18-20 under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 5,472,619 to Holzhauer et al. (Holzhauer), in further view of U.S. Patent No. 5,472,619 to Mostoller (Mostoller) and in further view of U.S. Patent No. 5,053,140 to Hurst (Hurst). Applicant respectfully traverses this rejection.

A. Examiner's rejection. The Examiner stated that Holzhauer teaches a method for disinfecting wastewater generated by meat-packing plants that includes controlling the pH of the wastewater, however Holzhauer and Mostoller fail to teach the use of ozone and chlorine in treating recovered water in a poultry processing plant. Hurst, however, teaches injecting ozone and chlorine into recovered water form the chiller and that it would have been obvious to one having ordinary skill in the art to modify the Holzhauer reference by additionally including ozone and chlorine since ozone oxidizes oxidizable material in the wastewater and kills microorganisms as in Hurst and chlorine provides a furthering assuring disinfecting step in case the wastewater is heavily contaminated.

B. Teachings of References: Holzhauer teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing amount of a specific composition. Flocculation is carried out using commercially available product which adjust the pH to about 8. Mostoller teaches an apparatus having a plurality of spray nozzles to spray the exterior surface of a bird with cleaning fluid. . Hurst teaches a method of treating treated waster water with chlorine.

C. Claimed Invention: The instant claimed invention discloses a method for reducing the level of poultry contamination resulting from the processing of poultry, wherein the processing of said poultry by recovering water used during at least one of said poultry processing steps and “treating said recovered water with a disinfectant and controlling pH of said recovered water.”

D. Deficiencies of Reference: Holzhauer teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing amount of a specific composition. Flocculation is carried out using commercially available product which adjust the pH to about 8. Mostoller teaches an apparatus having a plurality of spray nozzles to spray the exterior surface of a bird with cleaning fluid. The particular combination of the cited references, which the Examiner makes, in hindsight with the benefit of Applicant’s disclosure, in an attempt to arrive at the Applicant’s invention, is neither taught nor suggested by the references. The references, alone or in combination, because of the differences in the features of each as discussed above, do not provide “sufficient impetus” to support the combination that the Examiner makes to effect the obviousness rejection. Holzhauer, Mostoller or Hurst alone or in combination do not suggest adjusting the pH of wastewater to improve the effectiveness of a disinfectant as Applicant has disclosed and claimed. Applicant respectfully requests that this rejection be withdrawn.

V. Claims 22-25 are rejected under 35 USC 103(a).

The Examiner rejected claim 22-25 under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 4,827,727 to Caracciolo (Caracciolo) in further view of U. S. Patent No. 5,472,619 to Holzhauer et al. (Holzhauer),. Applicant respectfully traverses this rejection.

A. Examiner’s rejection. The Examiner stated that Caracciolo teaches a method for sterilizing poultry with ozonated water in a chiller that includes the following; recovering a portion of the chiller water, filtering organic solids and returning the filtered water to the chiller. However, Caracciolo fails to teach controlling the pH of the disinfected filtered water. The Examiner further stated that Holzhauer teaches a method for disinfecting wastewater generated by meat-packing plants that includes controlling the pH of the wastewater.

B. Teachings of References: Caracciolo teaches the sterilization of chiller water by the introduction of ozone. Holzhauer teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing amount of a specific composition. Flocculation is carried out using commercially available product which adjust the pH to about 8.

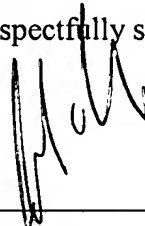
C. Claimed Invention: The instant claimed invention discloses a method for improving the effectiveness of a disinfection agent added to an aqueous medium used in the processing of foodstuffs. In particular, Applicant's claimed invention provides reacting filtered recovered water with a disinfectant and controlling pH of said disinfected filtered water and reintroducing said disinfected filtered water into chiller tank.

D. Deficiencies of Reference: Caracciolo teaches the sterilization of chiller water by the introduction of ozone. Holzhauer teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing amount of a specific composition. Flocculation is carried out using commercially available product which adjust the pH to about 8. The particular combination of the cited references, which the Examiner makes, in hindsight with the benefit of Applicant's disclosure, in an attempt to arrive at the Applicant's invention, is neither taught nor suggested by either reference. The references, alone or in combination, because of the differences in the features of each as discuss above, do not provide "sufficient impetus" to support the combination that the Examiner makes to effect the obviousness rejection. Neither Holzhauer or Caracciolo alone or in combination suggest adjusting the pH of wastewater to improve the effectiveness of a disinfectant as Applicant has disclosed and claimed. Applicant respectfully requests that this rejection be withdrawn.

CONCLUSION

Accordingly, it is believed that in view of the above amendments and comments all claims remaining in the application are in condition for allowance, and therefore reconsideration and allowance are earnestly solicited. If the Examiner feels that a telephone conference would expedite prosecution of this case, or resolve any remaining issues, the Examiner is invited to contact the undersigned.

Respectfully submitted,



John C. Serio, Reg. No. 39,023
Attorney for Applicant
Customer No. 21710
Brown Rudnick Berlack Israels LLP
One Financial Center, Box IP
Boston, MA 02111
Tel: (617) 856-8238
Fax: 617-856-8201
Email: ip@brownrudnick.com